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8 IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

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IN RE:)
SIMONSEN, STUART MICHAEL,) No. 14-60015-7
Debtor.)

BdS QUANT CAPITAL, LLC; BdS QUANT,)
LLC, AMER SPORTS CORPORATION,) Adversary Proceeding No. 14-00019
TRANSCEND INVESTMENTS, LLC, and)
LYLE VADEN,)
Plaintiffs,)
v.)
STUART MICHAEL SIMONSEN,)
Defendant.)

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FOURTH JOINT MOTION TO MODIFY PRETRIAL SCHEDULE

BdS Quant Capital, LLC, BdS Quant, LLC, Amer Sports Corporation, Transcend Investments, LLC, and Lyle Vaden, Plaintiffs in the above entitled matter, by and through their attorney, James A. Patten, and Defendant Stuart Simonsen by and through his attorney Gary S. Deschenes, hereby jointly move to modify the Third Pretrial Schedule entered herein to (i) extend the deadline to conduct discovery upon Marie Simonsen, Grizzly Peak Limited Partnership, and RLM Investments Trust until May 14 and 15, 2015, (ii) extend the motions deadline until May 29, 2015 , and (iii) reset the Final Pretrial Conference to a date not earlier than June 12, 2015. In

1 support hereof the parties state:

2 1. In this adversary proceeding, Plaintiffs seek to deny the Defendant's discharge
3 pursuant to 11 U.S.C. § 727(a)(4)(A) and 727(c) [Doc. # 1]. By stipulation entered in the main
4 bankruptcy case, the Plaintiffs, Trustee, Debtor, RLM Investment Trust Entities, and other creditors
5 agreed to coordinate their discovery so as to avoid duplication [Main Case Doc. # 213].

6 2. A Scheduling Order has been entered in this adversary proceeding originally setting
7 the discovery deadline for January 30, 2015, the motions deadline for February 13, 2015, and a Final
8 Pretrial Conference for March 4, 2015; by a joint motion the parties moved to reset the discovery
9 deadline to February 27, the motion deadline to March 13, and the pretrial conference to a date not
10 earlier than April 3, 2015 [Doc. #25]; this joint motion was approved by Order dated January 7,
11 2015, and the deadlines were set accordingly [Doc. #26]. By a Second Joint Motion filed [Doc.
12 #52], the parties moved to reset the discovery deadline to March 27, 2015, the motion deadline to
13 April 17, 2015, and the pretrial conference to a date not earlier than May 8, 2015. This joint motion
14 was approved by Order dated February 18, 2015, and the deadlines were set accordingly [Doc. #53].
15 By a Third Joint Motion filed [Doc. #61], the parties moved to reset the discovery deadline to May
16 1, 2015, the motion deadline to May 22, 2015, and the pretrial conference to a date not earlier than
17 June 12, 2015. This joint motion was approved by Order dated March 17, 2015, and the deadlines
18 were set accordingly [Doc. #62].

19 3. Plaintiffs noticed depositions of Stuart Simonsen, Marie Simonsen, Grizzly Peak
20 Limited Partnership, and the RLM Investments Trust for February 18 – 20, 2015, in Reno, Nevada.
21 By notice dated February 17, 2015 [Doc. # 51], counsel for Marie Simonsen, Grizzly Peak and RLM
22 Investments withdrew from such representation. In order to allow Marie Simonsen, Grizzly Peak,
23 and RLM Investments the opportunity to be represented by counsel at their depositions, Plaintiffs
24 agreed to vacate the depositions but only if the discovery deadline is extended to allow the
25 depositions to be timely set in March, 2015. The Plaintiffs then re-noticed the depositions for
26 March 18 - 20, 2015 in Billings, Montana and Reno, Nevada respectively. At that time, Marie
27 Simonsen, Grizzly Peak and RLM Investments had not secured new counsel and therefore Plaintiffs

1 agreed to again vacate the depositions set for March 18 - 20, 2015 and reset the depositions in
2 Billings for April 28 - 30.

3 4. Marie Simonsen, Grizzly Peak and RLM Investments have now secured counsel to
4 represent them. As an accommodation, the Plaintiffs have agreed to reschedule the Marie
5 Simonsen, Grizzly Peak and RLM depositions to May 14 and 15, if approved by the Court.

6 5. Plaintiffs do not consent to continuing the Stuart Simonsen deposition scheduled
7 for April 28.

8 WHEREFORE the foregoing reasons the Plaintiffs and the Defendant jointly move to
9 modify this Court's September 3, 2014, January 7, 2015, and February 18, 2015 Orders in the
10 following respects:

11 (i) Any and all discovery conducted upon Marie Simonsen, Grizzly Peak, and
12 RLM Investments trust shall be completed on May 14 and 15, 2015;

13 (ii) Any and all pretrial motions, together with supporting memorandum or other
14 materials, must be filed and served on or before May 29, 2015; and

15 (iii) A pretrial scheduling conference shall be held telephonically no earlier than
16 June 12, 2015 at a time and date set at the Court's convenience.

17 DATED this 27th day of April, 2015.

By: /s/ JA Patten
James A. Patten
Attorney for BdS Quant Capital, LLC et al.

By: /s/ Gary S. Deschenes
Gary S. Deschenes
Attorney for Stuart Simonsen